



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL ASSESSMENT**

**PROJECT TITLE: PROPOSED AMENDED RULE 1147 - NOX REDUCTIONS FROM MISCELLANEOUS SOURCES**

In accordance with the California Environmental Quality Act (CEQA), the South Coast Air Quality Management District (SCAQMD), as the Lead Agency, has prepared this Notice of Preparation (NOP) and Initial Study (IS). This NOP serves two purposes: 1) to solicit information on the scope of the environmental analysis for the proposed project, and 2) to notify the public that the SCAQMD will prepare a Draft Environmental Assessment (EA) to further assess potential environmental impacts that may result from implementing the proposed project.

This letter, NOP and the attached IS are not SCAQMD applications or forms requiring a response from you. Their purpose is simply to provide information to you on the above project. If the proposed project has no bearing on you or your organization, no action on your part is necessary.

Comments focusing on your area of expertise, your agency's area of jurisdiction, or issues relative to the environmental analysis should be addressed to Ms. Barbara Radlein (c/o CEQA) at the address shown above, or sent by FAX to (909) 396-3324 or by email to [bradlein@aqmd.gov](mailto:bradlein@aqmd.gov). Comments must be received no later than 5:00 PM on Wednesday, March 2, 2011. Please include the name and phone number of the contact person for your agency. Questions relative to the proposed amended rule should be directed to Mr. Wayne Barcikowski at (909) 396-3077 or [wbarcikowski@aqmd.gov](mailto:wbarcikowski@aqmd.gov).

The Public Hearing for the proposed amended rule is scheduled for May 6, 2011. (Note: Public meeting dates are subject to change).

**Date:** February 1, 2011

**Signature:** \_\_\_\_\_

*Steve Smith*

Steve Smith, Ph.D.  
Program Supervisor  
Planning, Rules, and Area Sources

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**  
**21865 Copley Drive, Diamond Bar, CA 91765-4178**

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL ASSESSMENT**

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**Project Title:**

Draft Environmental Assessment for Proposed Amended Rule 1147 – NO<sub>x</sub> Reductions From Miscellaneous Sources

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**Project Location:**

South Coast Air Quality Management District (SCAQMD) area of jurisdiction consisting of the four-county South Coast Air Basin (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and the Mojave Desert Air Basin

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**Description of Nature, Purpose, and Beneficiaries of Project:**

To respond to compliance challenges currently being experienced by certain affected sources, SCAQMD staff is proposing amendments to Rule 1147 – NO<sub>x</sub> Reductions From Miscellaneous Sources, that would: 1) remove the requirements for installation of time meters; 2) remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NO<sub>x</sub> emission limits in terms of parts per million (ppm); and; 3) extend deadlines for demonstrating compliance with the early phases (2010/2011) for NO<sub>x</sub> emission limits by up to two years. Other minor changes are proposed for clarity and consistency throughout the rule. The Initial Study identifies the topic of “air quality and greenhouse gas emissions” as an area that may be adversely affected by the proposed project. Impacts to this environmental area will be further analyzed in the Draft EA.

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**Lead Agency:**

South Coast Air Quality Management District

**Division:**

Planning, Rule Development and Area Sources

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**Initial Study and all supporting documentation are available at:**

SCAQMD Headquarters  
21865 Copley Drive  
Diamond Bar, CA 91765

**or by calling:**

(909) 396-2039

**or by accessing the SCAQMD’s website at:**

<http://www.aqmd.gov/ceqa/aqmd.html>

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**The Public Notice of Preparation is provided through the following:**

☒ Los Angeles Times (February 1, 2011)    ☒ AQMD Website    ☒ AQMD Mailing List

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**Initial Study 30-day Review Period:**

February 1, 2011 – March 2, 2011

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**Scheduled Public Meeting Dates (subject to change):**

Public Workshop/CEQA Scoping Meeting: January 26, 2011, 1:30pm; SCAQMD Headquarters  
SCAQMD Governing Board Hearing: May 6, 2011, 9:00 a.m.; SCAQMD Headquarters

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The proposed project may have statewide, regional or areawide significance; therefore, a CEQA scoping meeting is required (pursuant to Public Resources Code §21083.9(a)(2)).

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**Send CEQA Comments to:**

Ms. Barbara Radlein

**Phone:**

(909) 396-2716

**Email:**

[bradlein@aqmd.gov](mailto:bradlein@aqmd.gov)

**Fax:**

(909) 396-3324

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**Direct Questions on Proposed Amendments:**

Mr. Wayne Barcikowski

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(909) 396-3077

**Email:**

[wbarcikowski@aqmd.gov](mailto:wbarcikowski@aqmd.gov)

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# **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

## **Initial Study for Proposed Amended Rule 1147 – NO<sub>x</sub> Reductions From Miscellaneous Sources**

**February 2011**

**SCAQMD No. 02012011BAR**

**State Clearinghouse No: To Be Determined**

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**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
GOVERNING BOARD**

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Cities Representative, Orange County

**EXECUTIVE OFFICER:**  
BARRY R. WALLERSTEIN, D.Env.

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## **CHAPTER 1 - PROJECT DESCRIPTION**

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**Introduction**

**California Environmental Quality Act**

**Project Location**

**Project Background**

**Project Objective**

**Project Description**

**Alternatives**

## INTRODUCTION

The California Legislature created the South Coast Air Quality Management District (SCAQMD) in 1977<sup>1</sup> as the agency responsible for developing and enforcing air pollution control rules and regulations in the South Coast Air Basin (Basin) and portions of the Salton Sea Air Basin and Mojave Desert Air Basin referred to herein as the district. By statute, the SCAQMD is required to adopt an air quality management plan (AQMP) demonstrating compliance with all federal and state ambient air quality standards for the district<sup>2</sup>. Furthermore, the SCAQMD must adopt rules and regulations that carry out the AQMP<sup>3</sup>. The 2007 AQMP concluded that major reductions in emissions of volatile organic compounds (VOCs), oxides of sulfur (SOx) and oxides of nitrogen (NOx) are necessary to attain the air quality standards for ozone (the key ingredient of smog) and particulate matter (PM10 and PM2.5). Ozone, a criteria pollutant, is formed when VOCs react with NOx in the atmosphere and has been shown to adversely affect human health and to contribute to the formation of PM10 and PM2.5.

As part of the NOx reduction goals in the AQMP, SCAQMD adopted Rule 1147 - NOx Reductions From Miscellaneous Sources, in December 2008, to control NOx emissions from miscellaneous gas and liquid fuel fired combustion equipment, including, but not limited to: ovens, dryers, dehydrators, heaters, kilns, calciners, furnaces, heated pots, cookers, roasters, fryers, closed and open heated tanks and evaporators, distillation units, degassing units, incinerators, and soil remediation units. Rule 1147 requires new, modified, relocated and in-use combustion equipment to comply with equipment-specific NOx emission limits. For in-use equipment, compliance dates for emission limits are based on the date of equipment manufacture, and emission limits are applicable to older equipment first. Owners of equipment are provided at least 15 years before they must modify or replace existing equipment to meet emission limits. Rule 1147 also contains test methods and provides alternate compliance options including a process for certification of equipment NOx emissions through an approved testing program. Other requirements include equipment maintenance, meters and recordkeeping.

SCAQMD staff's recent evaluation of the state of compliance with Rule 1147 as well as feedback from industry revealed that some equipment owners/operators are experiencing compliance challenges, in particular, with certain effective dates in the rule. The aforementioned evaluation by SCAQMD staff combined with industry feedback also revealed that the installation of time meters, while helpful, is not essential for compliance determination. Similarly, installation of fuel meters is essential for compliance determination depending on the compliance option chosen by the equipment operator. To address these compliance challenges and ensure that equipment owners/operators are not unnecessarily burdened with additional costs, SCAQMD staff is proposing to amend Rule 1147 to delay implementation of the NOx emission limit compliance dates for existing (in-use) permitted equipment, to eliminate the requirement for the installation of time meters, and to modify the requirement for the installation of fuel meters. In the meantime, so that facilities do not incur unnecessary expenses associated with complying with the current requirements in Rule 1147 that are the focus of the amendments considered as part of this proposed project, the Executive Officer intends to exercise enforcement discretion with regard to Rule 1147 until the proposed rule amendments are presented to the

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<sup>1</sup> The Lewis-Presley Air Quality Management Act, 1976 Cal. Stats., ch 324 (codified at Health & Safety Code, §§40400-40540).

<sup>2</sup> Health & Safety Code, §40460 (a).

<sup>3</sup> Health & Safety Code, §40440 (a).

SCAQMD's Governing Board<sup>4</sup>. Enforcement discretion means that the SCAQMD will not issue any new Notices of Violations (NOVs) or Notices to Comply (NTCs) and will cancel any previously issued NOVs and NTCs specifically related to the items that are subject of the proposed rule amendments, until the proposed rule amendments have been acted on by the Governing Board. Proposed Amended Rule (PAR) 1147 will result in a delay of: 1) 0.70 tons/day of NOx emission reductions in compliance years 2010 and 2011; and, 2) 0.06 tons/day of NOx emission reductions in compliance years 2015 and 2016. However, the 0.70 tons/day of NOx delayed emission reductions will be recaptured in compliance years 2012 and 2013 and the 0.06 tons/day of delayed NOx emission reductions will be recaptured in compliance years 2017 and 2018, respectively. Thus, despite the delay in implementation of some of the compliance dates, the same amount of overall NOx emission reductions as estimated in the current rule will be achieved by PAR 1147 (e.g. 3.5 tons per day of NOx emission reductions by 2014 and 3.8 tons per day of NOx emission reductions by 2023).

This Initial Study, prepared pursuant to the California Environmental Quality Act (CEQA), identifies the environmental topic "air quality and greenhouse gas (GHG) emissions" as an area that may be adversely affected by the proposed project. A Draft Environmental Assessment (EA) will be prepared to analyze further whether the potential impacts to this environmental topic are significant. Any other potentially significant environmental impacts identified through this Notice of Preparation/Initial Study process will also be analyzed in the Draft EA.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed amendments to Rule 1147 are considered a "project" as defined by CEQA. CEQA requires that the potential adverse environmental impacts of proposed projects be evaluated and that methods to reduce or avoid identified significant adverse environmental impacts of these projects be implemented if feasible. The purpose of the CEQA process is to inform the SCAQMD's Governing Board, public agencies, and interested parties of potential adverse environmental impacts that could result from implementing the proposed project and to identify feasible mitigation measures or alternatives, when an impact is significant.

California Public Resources Code §21080.5 allows public agencies with regulatory programs to prepare a plan or other written documents in lieu of an environmental impact report once the Secretary of the Resources Agency has certified the regulatory program. The SCAQMD's regulatory program was certified by the Secretary of Resources Agency on March 1, 1989, and is codified as SCAQMD Rule 110. Pursuant to Rule 110 (the rule which implements the SCAQMD's certified regulatory program), SCAQMD is preparing a Draft Environmental Assessment (EA) to evaluate potential adverse impacts from the proposed project.

The SCAQMD, as Lead Agency for the proposed project, has prepared this Initial Study (which includes an Environmental Checklist and project description). The Environmental Checklist provides a standard evaluation tool to identify a project's adverse environmental impacts. The Initial Study is also intended to provide information about the proposed project to other public agencies and interested parties prior to the release of the Draft EA. Written comments on the scope of the environmental analysis will be considered (if received by the SCAQMD during the 30-day review period) when preparing the Draft EA.

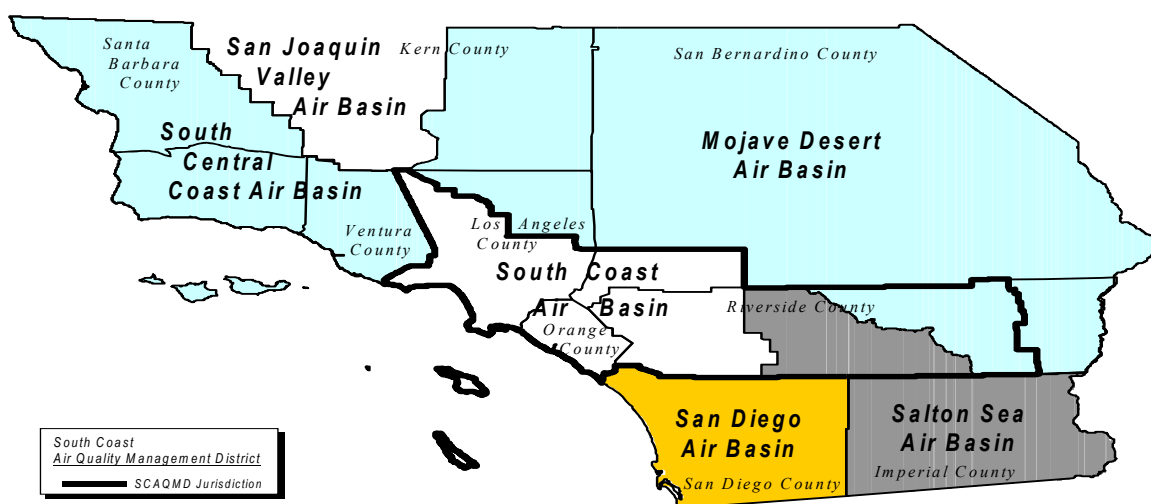
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<sup>4</sup> Agenda No. 21 - Notification of Executive Officer Enforcement Discretion Regarding Rule 1147, SCAQMD, January 7, 2011. <http://www.aqmd.gov/hb/attachments/2011-2015/2011Jan/2011-Jan7-021.pdf>



## PROJECT LOCATION

PAR 1147 would apply to existing (in-use) permitted equipment, spanning multiple categories of gaseous and liquid fuel-fired combustion equipment, operated at facilities located in industrial and commercial areas throughout the entire SCAQMD jurisdiction. The SCAQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county South Coast Air Basin (Basin) (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB). The Basin, which is a subarea of the SCAQMD's jurisdiction, is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east. It includes all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. The federal nonattainment area (known as the Coachella Valley Planning Area) is a subregion of Riverside County and the SSAB that is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east (Figure 1-1).



**Figure 1-1**  
**South Coast Air Quality Management District**

## PROJECT BACKGROUND

Adopted in December 2008, Rule 1147 controls NO<sub>x</sub> emissions from miscellaneous gas and liquid fuel fired combustion equipment, including, but not limited to: ovens, dryers, dehydrators, heaters, kilns, calciners, furnaces, heated pots, cookers, roasters, fryers, closed and open heated tanks and evaporators, distillation units, degassing units, incinerators, and soil remediation units. Under Rule 1147, regulated equipment must meet an emission limit of 30 parts per million (ppm) to 60 ppm of NO<sub>x</sub> based on the type of equipment. Alternatively, equipment may meet a NO<sub>x</sub> limit between 0.036 pounds per million British Thermal Units (lb/MMBTU) and 0.080 lb/MMBTU based on the type of equipment.

Compliance is phased in for equipment based on age. Effective January 1, 2010, new, relocated, or modified equipment (except for tar pots) must comply with the emission limits in Rule 1147. For in-use equipment, compliance dates for emission limits are based on the date of equipment manufacture, and emission limits are applicable to older equipment first. Owners of equipment are provided at least 15 years before they must modify or replace existing equipment to meet emission limits. Rule 1147 also contains test methods and provides alternate compliance options including a process for certification of equipment NO<sub>x</sub> emissions through an approved testing program. Other requirements include equipment maintenance, meters and recordkeeping.

Rule 1147 contains a phased-in approach for imposing NO<sub>x</sub> emission limits on equipment based on age. For example, as of July 1, 2010, equipment aged 25 years or older was required to meet a specified NO<sub>x</sub> emission limit. One year later, equipment aged between 20 and 25 years old will also be required to meet a specified NO<sub>x</sub> emission limit. Lastly, equipment aged 15 years old will be required to meet another NO<sub>x</sub> emission limit. Exceptions to the basic schedule include soil remediation equipment that must comply on or after January 1, 2011, when a combustion modification or change of location occurs or when a new unit begins operating. Rule 1147 provides additional time for specific categories of equipment that have recently replaced burners or have a permit limit of less than one pound per day NO<sub>x</sub> at the time of Rule 1147 was adopted. The compliance objectives of Rule 1143 are tied to the following compliance dates: 1) 2014 to achieve the federal PM 2.5 standard; and, 2) 2023 to achieve the federal 8-hour ozone standard.

Since the adoption of Rule 1147, some equipment owners/operators are experiencing compliance challenges with certain components of the rule due to the economic downturn, specifically, the cost impacts associated with installing fuel and time meters for each affected unit by January 1, 2011. SCAQMD staff conducted more research and found that installation of time meters is not essential for determining compliance with Rule 1147. Further, SCAQMD staff determined that the need to install fuel meters is essential for determining compliance only for certain circumstances that depend on the compliance option chosen by the equipment operator.

In response to these compliance challenges, SCAQMD staff is proposing to amend Rule 1147 to delay implementation of the NO<sub>x</sub> emission limit compliance dates for existing (in-use) permitted equipment, to eliminate the requirement for the installation of time meters, and to remove the requirement for the installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NO<sub>x</sub> emission limits in terms of ppm.

So that facilities do not incur unnecessary expenses associated with complying with the current requirements in Rule 1147 that are the focus of the amendments considered as part of this proposed project, the Executive Officer is exercising enforcement discretion with regard to Rule 1147 until PAR 1147 is presented to the SCAQMD's Governing Board. Enforcement discretion means that the SCAQMD will not issue any new Notices of Violations (NOVs) or Notices to Comply (NTCs) and will cancel any previously issued NOVs and NTCs specifically related to the items that are subject of PAR 1147, until PAR 1147 is acted on by the Governing Board.

At the time of adoption, Rule 1147 was estimated to reduce annual average emissions of NO<sub>x</sub> by 3.5 tons per day by 2014 and 3.8 tons per day by 2023. Delaying the compliance dates in PAR 1147 means that there will be adjustments to the annual NO<sub>x</sub> emission reductions during varying compliance years as summarized in Table 1-1:

**Table 1-1**  
**Annual Adjustments to NOx Emission Reductions**

<b>Compliance Year</b>	<b>Current NOx Emission Reductions in Rule 1147 (tons/day)</b>	<b>Proposed NOx Emission Reductions in PAR 1147 (tons/day)</b>
2010	0.70	0
2011	0.70	0
2012	0.70	1.40
2013	0.70	1.40
2014	0.70	0.70
2015	0.06	0
2016	0.06	0
2017	0.06	0.12
2018	0.06	0.12
2019	0.06	0.06

Specifically, implementing PAR 1147 will result in a delay of: 1) 0.70 tons/day of NOx emission reductions in compliance years 2010 and 2011; and, 2) 0.06 tons/day of NOx emission reductions in compliance years 2015 and 2016. However, the 0.70 tons/day of NOx delayed emission reductions will be recaptured in compliance years 2012 and 2013 and the 0.06 tons/day of delayed NOx emission reductions will be recaptured in compliance years 2017 and 2018, respectively. Thus, despite the delay in implementation of some of the compliance dates, the same amount of overall NOx emission reductions as estimated in the current rule will be achieved by PAR 1147 (e.g. 3.5 tons per day of NOx emission reductions by 2014 and 3.8 tons per day of NOx emission reductions by 2023).

### **PROJECT OBJECTIVE**

The primary focus of the proposed project is to amend Rule 1147 in order to bring compliance relief to owners/operators of affected combustion equipment by: 1) delaying implementation of certain NOx emission limit compliance dates for existing (in-use) permitted equipment; 2) removing the requirement for the installation of gas fuel meters for equipment that currently comply with the NOx emission level in terms of the ppm compliance option; and, 3) removing the requirement for time meters. Other minor changes are proposed for clarity and consistency throughout the proposed amended rule. While PAR 1147 will delay the implementation of some of the compliance dates, the objective is to achieve the same amount of overall NOx emission reductions in PAR 1147 as estimated in the current rule (e.g. 3.5 tons per day of NOx emission reductions by 2014 and 3.8 tons per day of NOx emission reductions by 2023).

### **PROJECT DESCRIPTION**

The proposed amendments to Rule 1147 would apply to the following categories of gaseous and liquid fuel-fired combustion equipment: 1) remediation units; 2) tar pots; 3) other units manufactured prior to 1986; 4) other units manufactured prior to 1992; and 5) other units manufactured prior to 1998. Specifically, the following amendments would:

- remove the requirements for installation of time meters;

- remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of ppm; and,
- extend NOx emission limit compliance dates in Table 2 – Compliance Schedule for In-Use Units for certain equipment categories by up to two years.

The following is a summary of the key proposed amendments to Rule 1147. Other minor changes are proposed for clarity and consistency throughout the proposed amended rules. A copy of the proposed amended rule can be found in Appendix A.

#### Subdivision (c) – Requirements

The compliance dates in paragraph (c)(1), Table 2 for certain equipment categories have been extended as follows: 1) from January 1, 2011 to January 1, 2012 for remediation units; 2) from January 1, 2012 to January 1, 2013 for tar pots; 3) from January 1, 2010 to January 1, 2012 for other units manufactured prior to 1986; 4) from January 1, 2011 to January 1, 2012 for other units manufactured prior to 1992; and, 5) from January 1, 2012 to January 1, 2013 for other units manufactured prior to 1998. Lastly, paragraph (c)(8) has been modified to remove the requirement for time meters and to remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of ppm.

#### **ALTERNATIVES**

The Draft EA will discuss and compare alternatives to the proposed project as required by CEQA and by SCAQMD Rule 110. Alternatives must include realistic measures for attaining the basic objectives of the proposed project and provide a means for evaluating the comparative merits of each alternative. In addition, the range of alternatives must be sufficient to permit a reasoned choice and it need not include every conceivable project alternative. The key issue is whether the selection and discussion of alternatives fosters informed decision making and public participation. A CEQA document need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

SCAQMD Rule 110 does not impose any greater requirements for a discussion of project alternatives in an environmental assessment than is required for an Environmental Impact Report under CEQA. Alternatives will be developed based in part on the major components of the proposed rule. The rationale for selecting alternatives rests on CEQA's requirement to present "realistic" alternatives; that is alternatives that can actually be implemented. CEQA also requires an evaluation of a "No Project Alternative."

SCAQMD's policy document Environmental Justice Program Enhancements for fiscal year (FY) 2002-03, Enhancement II-1 recommends that all SCAQMD CEQA assessments include a feasible project alternative with the lowest air toxics emissions. In other words, for any major equipment or process type under the scope of the proposed project that creates a significant environmental impact, at least one alternative, where feasible, shall be considered from a "least harmful" perspective with regard to hazardous air emissions.

The Governing Board may choose to adopt any portion or all of any alternative presented in the EA. The Governing Board is able to adopt any portion or all of any of the alternatives presented because the impacts of each alternative will be fully disclosed to the public and the public will have the opportunity to comment on the alternatives and impacts generated by each alternative.

Written suggestions on potential project alternatives received during the comment period for the Initial Study will be considered when preparing the Draft EA.

## **CHAPTER 2 - ENVIRONMENTAL CHECKLIST**

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**Introduction**

**General Information**

**Potentially Significant Impact Areas**

**Determination**

**Environmental Checklist and Discussion**

## INTRODUCTION

The environmental checklist provides a standard evaluation tool to identify a project's adverse environmental impacts. This checklist identifies and evaluates potential adverse environmental impacts that may be created by the proposed project.

## GENERAL INFORMATION

Project Title:	Proposed Amended Rule 1147 – NOx Reductions From Miscellaneous Sources
Lead Agency Name:	South Coast Air Quality Management District
Lead Agency Address:	21865 Copley Drive, Diamond Bar, CA 91765
CEQA Contact Person:	Barbara Radlein, (909) 396-2716
Rule Contact Person:	Wayne Barcikowski, (909) 396-3077
Project Sponsor's Name:	South Coast Air Quality Management District
Project Sponsor's Address:	21865 Copley Drive, Diamond Bar, CA 91765
General Plan Designation:	Not applicable
Zoning:	Not applicable
Description of Project:	To respond to compliance challenges currently being experienced by certain affected sources, SCAQMD staff is proposing amendments to Rule 1147 – NOx Reductions From Miscellaneous Sources, that would: 1) remove the requirements for installation of time meters; 2) remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of ppm; and; 3) extend deadlines for demonstrating compliance with the early phases (2010/2011) for NOx emission limits by up to two years. Other minor changes are proposed for clarity and consistency throughout the rule.
Surrounding Land Uses and Setting:	Industrial and commercial
Other Public Agencies Whose Approval is Required:	Not applicable

**POTENTIALLY SIGNIFICANT IMPACT AREAS**

The following environmental impact areas have been assessed to determine their potential to be affected by the proposed project. As indicated by the checklist on the following pages, environmental topics marked with an "✓" may be adversely affected by the proposed project. An explanation relative to the determination of impacts can be found following the checklist for each area.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Aesthetics  | <input type="checkbox"/> Geology and Soils               | <input type="checkbox"/> Population and Housing        |
| <input type="checkbox"/> Agriculture and Forestry Resources                  | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services               |
| <input checked="" type="checkbox"/> Air Quality and Greenhouse Gas Emissions | <input type="checkbox"/> Hydrology and Water Quality     | <input type="checkbox"/> Recreation                    |
| <input type="checkbox"/> Biological Resources                                | <input type="checkbox"/> Land Use and Planning           | <input type="checkbox"/> Solid/Hazardous Waste         |
| <input type="checkbox"/> Cultural Resources                                  | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Transportation/Traffic        |
| <input type="checkbox"/> Energy  | <input type="checkbox"/> Noise                           | <input checked="" type="checkbox"/> Mandatory Findings |



## DETERMINATION

On the basis of this initial evaluation:

- ☐ I find the proposed project, in accordance with those findings made pursuant to CEQA Guidelines §15252, COULD NOT have a significant effect on the environment, and that an ENVIRONMENTAL ASSESSMENT with no significant impacts has been prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. An ENVIRONMENTAL ASSESSMENT with no significant impacts will be prepared.
- ☒ I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL ASSESSMENT will be prepared.
- ☐ I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL ASSESSMENT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier ENVIRONMENTAL ASSESSMENT pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL ASSESSMENT, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

**Date:** February 1, 2011

**Signature:**

*Steve Smith*

Steve Smith, Ph.D.  
Program Supervisor, CEQA Section  
Planning, Rules, and Area Sources

## ENVIRONMENTAL CHECKLIST AND DISCUSSION

Implementation of PAR 1147 means that the compliance dates for meeting the NOx emission limits for existing (in-use) permitted equipment will be delayed by up to two years and the requirement for the installation of time meters will be eliminated. Lastly, PAR 1147 will remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of ppm. (This means that the installation of fuel meters will only be required if the operator intends to comply with the NOx emission limits in terms of lb/MMBTU.) Because PAR 1147 is mainly a delay in implementation, no new physical changes requiring construction are involved with the proposed project. Instead, the same construction activities and the same environmental impacts associated with installing ultra-low NOx burners at the time Rule 1147 was adopted will continue to occur under PAR 1147 but on a delayed schedule. Thus, each affected owner/operator will be expected to comply with the lowered NOx emission limits by installing ultra-low NOx burners or installing new, compliant equipment, but on a delayed implementation schedule.

The original analysis of the construction activities is contained in the CEQA document for Rule 1147, the Final Environmental Assessment for Proposed Rule 1147 – NOx Reductions from Miscellaneous Sources, certified by the SCAQMD Governing Board on December 5, 2008 (SCAQMD No. 081015JJI, State Clearinghouse No: 2008101082)<sup>5</sup>. This CEQA document will be referred to herein as the December 2008 Final EA. For the aforementioned reasons, the following analysis will focus on the effect of PAR 1147 in terms of NOx emissions reductions delayed (i.e., emissions reductions that would have occurred according to the original compliance schedule if the original requirements in Rule 1147 were implemented) as a result of delaying the compliance dates and not the environmental effects of the construction activities since there will be no new physical changes associated with PAR 1147.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>5</sup> <http://www.aqmd.gov/ceqa/documents/2008/aqmd/finalEA/FEA1147.pdf>

**Significance Criteria**

The proposed project impacts on aesthetics will be considered significant if:

- The project will block views from a scenic highway or corridor.
- The project will adversely affect the visual continuity of the surrounding area.
- The impacts on light and glare will be considered significant if the project adds lighting which would add glare to residential areas or sensitive receptors.

**Discussion**

**I. a), b), c) & d)** Implementation of PAR 1147 means that the NOx emission limit compliance dates for existing (in-use) permitted equipment will be delayed by up to two years and the requirement for the installation of time meters will be eliminated. Lastly, PAR 1147 will remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of ppm. (This means that the installation of fuel meters will only be required if the operator intends to comply with the NOx emission limits in terms of lb/MMBTU.)

The analysis in the December 2008 Final EA considered the installation of new compliant units or retrofitting existing units by replacing existing burners with ultra-low NOx burner technology, generally at existing facilities. The footprint of a compliant new replacement unit versus the footprint of an existing, retrofitted unit that meets the ultra-low NOx standards was determined to be similar to each other such that owners/operators who replaced their existing units with new compliant units or retrofit their existing units with ultra-low NOx burners, implementation of Rule 1147 would not require the construction of new buildings or other structures that would obstruct scenic resources or degrade the existing visual character of a site, including but not limited to, trees, rock outcroppings, or historic buildings. Further, implementation of Rule 1147 was not determined to involve the demolition of any existing buildings or facilities, to require any subsurface activities, or to require the acquisition of any new land or the surrendering of existing land, or the modification of any existing land use designations or zoning ordinances. Thus, any compliance relief provided by PAR 1147 will only delay the installation or retrofit of ultra-low NOx burners and reduce the number time meters and fuel meters that would have otherwise been installed under Rule 1147.

For these reasons, PAR 1147 is not expected to degrade the visual character of any site where a facility is located and that operates an affected unit or its surroundings, affect any scenic vista, damage scenic resources. Further, since PAR 1147 does not require existing facilities to operate at night, no new sources of substantial light or glare are expected.

Based upon these considerations, no significant aesthetics impacts are expected from the implementation of PAR 1147 and as such, the topic of aesthetics will not be further analyzed in the Draft EA. Since no significant aesthetics impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE AND FOREST RESOURCES.</b> Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104 (g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Project-related impacts on agriculture and forest resources will be considered significant if any of the following conditions are met:

- The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.
- The proposed project will convert prime farmland, unique farmland or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.
- The proposed project conflicts with existing zoning for, or causes rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined in Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code § 51104 (g)).
- The proposed project would involve changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

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## Discussion

**II. a), b), c) & d)** Implementation of PAR 1147 means that the NOx emission limit compliance dates for existing (in-use) permitted equipment will be delayed by up to two years and the requirement for the installation of time meters will be eliminated. Lastly, PAR 1147 will remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of ppm. (This means that the installation of fuel meters will only be required if the operator intends to comply with the NOx emission limits in terms of lb/MMBTU.) Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147.

Any construction and operational activities that would occur as a result of implementing PAR 1147 are expected to occur within the confines of the existing affected facilities. The proposed project would be consistent with the industrial or commercial zoning requirements for the various facilities and there are no agricultural or forest resources or operations on or near the affected facilities. No agricultural resources including Williamson Act contracts are located within or would be impacted by construction activities at the affected facilities. Therefore, any delays of installing new equipment units or retrofitting existing units to comply with revised compliance timelines in PAR 1147 would not result in any new construction of buildings or other structures that would convert any classification of farmland to non-agricultural use or conflict with zoning for agricultural use or a Williamson Act contract.

PAR 1147 would also not result in any new construction of buildings or other structures that would cause the loss of forest land or conversion of forest land to non-forest use. Because there are no forestry resources or operations on or near the affected facilities, PAR 1147 would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104 (g)).

Lastly, since PAR 1147 would not substantially change the facility or process for which the NOx control equipment are utilized, there are no provisions in PAR 1147 that would affect land use plans, policies, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements relative to agriculture and forest resources will be altered by PAR 1147.

Based upon these considerations, no significant agriculture and forest resources impacts are expected from the proposed project and as such, the topic of agriculture and forest resources will not be further analyzed in the Draft EA. Since no significant agriculture and forest resources impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY AND GREENHOUSE GAS EMISSIONS.</b>				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Significance Criteria

To determine whether or not air quality impacts from the proposed project may be significant, impacts will be evaluated and compared to the criteria in Table 2-1. If impacts exceed any of the criteria in Table 2-1, they will be considered further in the Draft EA. As necessary, all feasible mitigation measures will be identified in the Draft EA and implemented to reduce significant impacts to the maximum extent feasible.

To determine whether or not greenhouse gas emissions from the proposed project may be significant, impacts will be evaluated and compared to the 10,000 MT CO<sub>2</sub>/year threshold for industrial sources.

**Table 2-1**  
**SCAQMD Air Quality Significance Thresholds**

Mass Daily Thresholds <sup>a</sup>		
Pollutant	Construction <sup>b</sup>	Operation <sup>c</sup>
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
PM2.5	55 lbs/day	55 lbs/day
SOx	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaminants (TACs), Odor, and GHG Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
GHG	10,000 MT/yr CO2eq for industrial facilities	
Ambient Air Quality Standards for Criteria Pollutants <sup>d</sup>		
NO2  1-hour average annual arithmetic mean	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state)	
PM10  24-hour average annual average	10.4 µg/m³ (construction) <sup>e</sup> & 2.5 µg/m³ (operation) 1.0 µg/m³	
PM2.5  24-hour average	10.4 µg/m³ (construction) <sup>e</sup> & 2.5 µg/m³ (operation)	
Sulfate  1-hour average	0.075 ppm (federal – 98 <sup>th</sup> percentile)	
CO  1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) 9.0 ppm (state/federal)	
Lead  Rolling 3-month average	0.15 µg/m³ (federal)	

<sup>a</sup> Source: SCAQMD CEQA Handbook (SCAQMD, 1993)

<sup>b</sup> Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).

<sup>c</sup> For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.

<sup>d</sup> Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.

<sup>e</sup> Ambient air quality threshold based on SCAQMD Rule 403.

KEY: lbs/day = pounds per day    ppm = parts per million     $\mu\text{g}/\text{m}^3$  = microgram per cubic meter     $\geq$  = greater than or equal to  
MT/yr CO<sub>2</sub>eq = metric tons per year of CO<sub>2</sub> equivalents

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## Discussion

**III. a)** The SCAQMD is required by law to prepare a comprehensive district-wide AQMP which includes strategies (e.g., control measures) to reduce emission levels to achieve and maintain state and federal ambient air quality standards, to ensure that new sources of emissions are planned and operated to be consistent with the SCAQMD's air quality goals, and to protect sensitive receptors and the public in general from the adverse effects of criteria pollutants which are known to have adverse human health effects. The AQMP's air pollution reduction strategies include control measures which target stationary, mobile and indirect sources. These control measures are based on feasible methods of attaining ambient air quality standards. Pursuant to the provisions of both the state and federal Clean Air Acts, the SCAQMD is required to attain the state and federal ambient air quality standards for all criteria pollutants. Rule 1147 was adopted to implement 2007 AQMP control measures CMB-01 (NO<sub>x</sub> Reductions from Non-RECLAIM Ovens, Dryers, and Furnaces) and MCS-01 (Facility Modernization) to achieve NO<sub>x</sub> reductions.

Although the lowered future NO<sub>x</sub> emission limits in Rule 1147 are proposed to be delayed in PAR 1147 for certain equipment categories, when fully implemented, the NO<sub>x</sub> reductions to be achieved will contribute to carrying out the goals of the 2007 AQMP. Further, implementation of all other SCAQMD NO<sub>x</sub> rules along with AQMP control measures, when considered together, is expected to reduce NO<sub>x</sub> emissions throughout the region overall by 2020. For these reasons, reducing NO<sub>x</sub> emissions, even if PAR 1147 is on a delayed implementation schedule for the short term, will help contribute towards attaining and maintaining the state and federal ambient air quality standards over the long term. Thus, PAR 1147 would not conflict or obstruct implementation of the applicable AQMP goals.

**III. b), c), f), & g)** For a discussion of these items, refer to the following analysis.

### Construction Activities

Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NO<sub>x</sub> burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. Any operator who chooses to install new equipment or retrofit an existing unit to comply with the delayed compliance limits in PAR 1147 is not expected to construct any new buildings or other structures as part of the equipment replacement or retrofit process. However, as was previously analyzed in the December 2008 Final EA, some physical modifications would be necessary depending on whether the operator chooses to replace the existing equipment with a new unit or to retrofit the existing unit with ultra-low NO<sub>x</sub> burner. For example, for completely replacing existing equipment with new compliant equipment, the existing equipment would need to be shut down and allowed to cool, disconnected from fuel and electric utilities, dismantled and removed. For the purpose of this discussion, the new equipment is assumed to be installed at or near the location of the existing equipment.

The physical modifications that are typically involved with retrofitting existing equipment would be removing the old burners, installing new burners, and installing new or reworking existing flue gas ductwork. Specifically, owners/operators of affected facilities who choose to replace existing burners with ultra-low NO<sub>x</sub> burners will first need to pre-order and purchase the appropriate size, style and number of burners, shut down the combustion unit to let it cool, and change out the burners. The burner change-out may involve a contractor or vendor to remove



the bolts, possibly cut and re-weld metal seals and re-fire the burners for equipment start-up. Additional work may be necessary such as upgrading the operation control system or installing a fuel injection system with electronic controls. Once the ultra-low NOx burners are in place, the combustion equipment can be fired up and can operate with lower NOx emissions.

Due to the relatively straightforward nature and ease of retrofitting existing equipment with ultra low-NOx burners, no heavy duty construction activities or equipment are anticipated. Further, the potential adverse construction air quality and GHG impacts were previously analyzed in the December 2008 Final EA and the proposed delay in the compliance dates contained in PAR 1147 will not alter the assumptions or alter the analysis for construction emissions (e.g., criteria pollutants and GHGs). Thus, no new secondary construction impacts are anticipated from the delayed retrofit of equipment with ultra low-NOx burners. Based upon these considerations, no significant air quality and GHG impacts are expected from the proposed project during construction and as such, the topic of construction air quality and GHG impacts will not be further analyzed in the Draft EA. Since no significant construction air quality and GHG impacts were identified, no mitigation measures are necessary or required for construction activities.

### **Operation Activities**

Once the ultra-low NOx burners are operational, NOx emissions are expected to be reduced. However, since the compliance dates for reducing NOx emissions are proposed to be delayed, the NOx reductions will occur later than originally planned. Further, the amount of NOx emission reductions delayed is expected to exceed the operational air quality NOx significance threshold of 55 pounds per day. For these reasons, operational air quality impacts associated with implementation of PAR 1147 are potentially significant and will be evaluated further in the Draft EA.

Based on the type and size of equipment affected by PAR 1147, CO2 emissions (e.g., GHGs) from the operation of the retrofitted or replaced equipment are likely to decrease from current levels due to improved burner efficiency. Further, there is no fuel penalty associated with operating equipment with ultra-low NOx burners. Thus, even with the delay in compliance dates, operation of ultra-low NOx burners are expected to result in a similar slight, less than significant decrease in GHG emissions as was previously analyzed in the December 2008 Final EA. However, the delay in compliance dates means the any reductions in GHG emissions will also be delayed.

Based upon these considerations, no significant GHG impacts are expected from the proposed project during operation and as such, the topic of operational GHG impacts will not be further analyzed in the Draft EA. Since no significant operational GHG impacts were identified, no mitigation measures are necessary or required.

Lastly, implementation of PAR 1147, even with delayed compliance dates, in connection with other 2007 AQMP control measures is not considered to be cumulatively considerable and, therefore, is not considered to be a significant cumulative GHG impact.

**III. d)** Affected facilities are not expected to increase exposure by sensitive receptors to substantial pollutant concentrations from the implementation of PAR 1147 for the following reasons: 1) the affected facilities are existing facilities located in industrial or commercial areas; 2) the limited construction emission increases associated with the proposed changes (equipment

replacement or retrofitting existing equipment) are concluded to be less than significant and the delay in compliance dates will not substantially alter the construction emission increases that were previously analyzed at the time Rule 1147 was adopted; and, 3) even with the delay in compliance dates, installation of any new, or retrofits of any existing equipment subject to PAR 1147 is expected to reduce NOx emissions from affected equipment. Therefore, no significant adverse air quality and GHG impacts to sensitive receptors are expected from implementing PAR 1147.

**III. e)** Historically, the SCAQMD has enforced odor nuisance complaints through SCAQMD Rule 402 - Nuisance. Affected facilities are not expected to create objectionable odors affecting a substantial number of people for the following reasons: 1) the affected facilities are existing facilities located in industrial or commercial areas with appropriate controls in place; 2) no heavy-duty construction equipment with associated diesel exhaust odors are necessary to install ultra-low NOx burners and the proposed delay in compliance will not affect the type of construction equipment used; 3) typically no odors are associated with combustion equipment operating in accordance with Rule 1147; and, 4) installation of any new or retrofits of any existing equipment subject to PAR 1147 is expected to reduce NOx emissions from affected equipment. Therefore, no significant odor impacts are expected to result from implementing the PAR 1147.

**III. h)** PAR 1147 is part of a comprehensive ongoing regulatory program that includes implementing related SCAQMD 2007 AQMP control measures as amended or new rules to attain and maintain within a margin of safety all state and national ambient air quality standards for all areas within its jurisdiction. The 2007 AQMP estimates a CO2 reduction of 427,849 metric tons per year by 2014, and a CO2 reduction of 1,523,445 metric tons per year by 2020. The analysis in the December 2008 Final EA demonstrated that there would be an increase in construction-related GHGs by approximately 424.13 metric tons of CO2 between compliance years 2010 and 2014 and 433.59 metric tons of CO2 between compliance years 2015 and 2023. Both of these projected increases were less than the GHG significance threshold for industrial sources (e.g., 10,000 MT/yr CO2eq). Further, this small increase from PAR 1147 construction activities represented 0.000002 percent of GHG emissions as compared to the total projected statewide GHG emissions inventory. The delayed compliance dates proposed in PAR 1147 will not alter the previously analyzed GHG emissions estimates associated with construction in the December 2008 Final EA. While delayed compliance means delayed NOx reductions, it also means delayed construction schedules overall and delayed GHG emissions that would be generated from construction activities.

Lastly, PAR 1147 is not subject to a GHG reduction plan. Thus, implementation of PAR 1147, even with delayed compliance dates, would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by §404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Impacts on biological resources will be considered significant if any of the following criteria apply:

- The project results in a loss of plant communities or animal habitat considered to be rare, threatened or endangered by federal, state or local agencies.
- The project interferes substantially with the movement of any resident or migratory wildlife species.
- The project adversely affects aquatic communities through construction or operation of the project.

**Discussion**

**IV. a), b), c), & d)** PAR 1147 would only affect combustion equipment located at existing facilities located in industrial or commercial areas, which have already been greatly disturbed. Implementation of PAR 1147 means that the NOx emission limit compliance dates for existing (in-use) permitted equipment will be delayed by up to two years and the requirement for the installation of time meters will be eliminated. Lastly, PAR 1147 will remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of ppm. (This means that the installation of fuel meters will only be required if the operator intends to comply with the NOx emission limits in terms of lb/MMBTU.) Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. Thus, the delayed installation of new equipment units or retrofit of existing units to comply with PAR 1147 would not result in any new construction of buildings or other structures. In general, the areas where affected equipment is located currently do not typically support riparian habitat, federally protected wetlands, or migratory corridors. Additionally, special status plants, animals, or natural communities are not expected to be found in close proximity to the affected facilities.

**IV. e) & f)** PAR 1147 is not envisioned to conflict with local policies or ordinances protecting biological resources nor local, regional, or state conservation plans because it will only affect combustion equipment primarily located at existing facilities in industrial or commercial areas. Additionally, PAR 1147 will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any other relevant habitat conservation plan for the same reason.

The SCAQMD, as the Lead Agency for the proposed project, has found that, when considering the record as a whole, there is no evidence that PAR 1147 will have potential for any new adverse effects on wildlife resources or the habitat upon which wildlife depends. Accordingly, based upon the preceding information, the SCAQMD has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in §753.5 (d), Title 14 of the California Code of Regulations.

Based upon these considerations, no significant biological resources impacts are anticipated and as such, the topic of biological resources will not be further analyzed in the Draft EA. Since no significant adverse biological resources impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource, site, or feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts to cultural resources will be considered significant if:

- The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group.
- Unique paleontological resources are present that could be disturbed by construction of the proposed project.
- The project would disturb human remains.

### Discussion

**V. a), b), c), & d)** Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. As was previously analyzed in the December 2008 Final EA, only minor construction-related activities associated with installing compliant equipment or retrofitting existing equipment with ultra-low NOx burners at affected facilities are expected to occur as a result of PAR 1147 and these construction activities are expected to be confined within the existing footprint of the affected facilities. Thus, no impacts to historical resources are expected to occur as a result of implementing PAR 1147.

Installing add-on controls and any other associated equipment to comply with PAR 1147 may require disturbance of previously disturbed areas, i.e., existing industrial or commercial facilities. However, since construction-related activities are expected to be confined within the existing footprint of the affected facilities, PAR 1147 is not expected to require physical changes to the environment, which may disturb paleontological or archaeological resources. Furthermore, it is envisioned that these areas are already either devoid of significant cultural resources or whose

cultural resources have been previously disturbed. Therefore, the proposed project has no potential to cause a substantial adverse change to a historical or archaeological resource, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains, including those interred outside a formal cemeteries. PAR 1147 is, therefore, not anticipated to result in any activities or promote any programs that could have a significant adverse impact on cultural resources in the District. PAR 1147 is, therefore, not anticipated to result in any activities or promote any programs that could have a significant adverse impact on cultural resources in the District.

Based upon these considerations, no significant adverse cultural resources impacts are expected from the implementing PAR 1147 and as such, the topic of cultural resources will not be further assessed in the Draft EA. Since no significant cultural resources impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VI. ENERGY.</b> Would the project:				
a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the need for new or substantially altered power or natural gas utility systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create any significant effects on local or regional energy supplies and on requirements for additional energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create any significant effects on peak and base period demands for electricity and other forms of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with existing energy standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts to energy and mineral resources will be considered significant if any of the following criteria are met:

- The project conflicts with adopted energy conservation plans or standards.
- The project results in substantial depletion of existing energy resource supplies.
- An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.
- The project uses non-renewable resources in a wasteful and/or inefficient manner.

### Discussion

**VI. a) & e)** Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation

of time meters and fuel meters that would have otherwise been installed under Rule 1147. Once new ultra-low NOx burners are installed or existing equipment is replaced with new compliant equipment, there will be a slight reduction in demand for natural gas, as new burners are expected to be more efficient than existing affected equipment. As a result, PAR 1147 would not conflict with energy conservation plans, use non-renewable resources in a wasteful manner, or result in the need for new or substantially altered power or natural gas systems. Since PAR 1147 would primarily affect existing equipment operating at existing facilities and because compliant equipment, if installed, will be more efficient than existing equipment, the proposed project will not conflict with adopted energy conservation plans because existing facilities would be expected to continue implementing any existing energy conservation plans. Additionally, operators of affected facilities are expected to comply with existing energy conservation plans and standards to minimize operating costs, while still complying with the requirements of PAR 1147. Accordingly these impact issues will not be further analyzed in the Draft EA.

**VI. b), c), & d)** PAR 1147 would not create any significant effects on peak and base period demands for electricity and other forms of energy since no construction of buildings or other structures are anticipated as a result of the affected facilities operating equipment that is either manufactured or retrofitted with ultra-low NOx burner technology.

The majority of the universe of sources that are regulated by PAR 1147 is fired with natural gas. As discussed in the air quality section regarding GHG emissions, due to ultra-low NOx burner retrofits that will occur on a delayed implementation schedule, PAR 1147 is expected to result in a slight decrease in the demand for natural gas, though when this decrease will occur will vary and will be dependent upon the proposed delayed compliance dates. Nevertheless, based upon these considerations, PAR 1147 is not expected to use energy in a wasteful manner, and will not exceed SCAQMD energy significance thresholds. There will be no substantial depletion of energy resources nor will significant amounts of fuel be needed when compared to existing supplies.

In light of the preceding discussion, PAR 1147 would not create any significant effects on peak and base period demands for electricity and other forms of energy and it is expected to comply with existing energy standards. Therefore, PAR 1147 is not expected to generate significant adverse energy resources impacts and as such, the topic of energy will not be discussed further in the Draft EA. Since no significant energy impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



### Significance Criteria

Impacts on the geological environment will be considered significant if any of the following criteria apply:

- Topographic alterations would result in significant changes, disruptions, displacement, excavation, compaction or over covering of large amounts of soil.
- Unique geological resources (paleontological resources or unique outcrops) are present that could be disturbed by the construction of the proposed project.
- Exposure of people or structures to major geologic hazards such as earthquake surface rupture, ground shaking, liquefaction or landslides.
- Secondary seismic effects could occur which could damage facility structures, e.g., liquefaction.
- Other geological hazards exist which could adversely affect the facility, e.g., landslides, mudslides.

### Discussion

**VII. a)** Southern California is an area of known seismic activity. Structures must be designed to comply with the Uniform Building Code Zone 4 requirements if they are located in a seismically active area. The local city or county is responsible for assuring that a proposed project complies with the Uniform Building Code as part of the issuance of the building permits and can conduct inspections to ensure compliance. The Uniform Building Code is considered to be a standard safeguard against major structural failures and loss of life. The goal of the code is to provide structures that will: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage but with some non-structural damage; and 3) resist major earthquakes without collapse but with some structural and non-structural damage.

The Uniform Building Code bases seismic design on minimum lateral seismic forces (“ground shaking”). The Uniform Building Code requirements operate on the principle that providing appropriate foundations, among other aspects, helps to protect buildings from failure during earthquakes. The basic formulas used for the Uniform Building Code seismic design require determination of the seismic zone and site coefficient, which represent the foundation conditions at the site. Accordingly, buildings and equipment at existing affected facilities are likely to conform to the Uniform Building Code and all other applicable state codes in effect at the time they were constructed.

Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. PAR 1147 would only affect combustion equipment located primarily at existing facilities in industrial or commercial areas. Since implementing PAR 1147 is expected to involve the delayed installation of new compliant equipment or the retrofitting of existing units with ultra-low NOx burners at existing facilities, no new buildings or structures are expected to be constructed in response to the proposed project. As a result, substantial exposure of people or structure to the risk of loss, injury, or death involving seismic-related activities is not anticipated and will not be further analyzed in the Draft EA.

**VII. b)** Since implementing PAR 1147 is expected to involve the delayed installation of new compliant equipment or the retrofitting of existing units with ultra-low NOx burners at existing

facilities, no soil disruption from excavation, grading, or filling activities; changes in topography or surface relief features; erosion of beach sand; or changes in existing siltation rates are anticipated in response to the proposed project.

**VII. c)** Since implementing PAR 1147 is expected to involve the delayed installation of new compliant equipment or the retrofitting of existing units with ultra-low NOx burners at existing facilities, it is expected that the soil types present at the affected facilities will not be further susceptible to expansion or liquefaction. Subsidence is not anticipated to be a problem since no excavation, grading, or filling activities will occur at affected facilities. Further, PAR 1147 would not involve drilling or removal of underground products (e.g., water, crude oil, et cetera) that could produce new, or make worse existing subsidence effects. Additionally, the affected areas are not envisioned to be prone to new risks from landslides or have unique geologic features since the affected facilities are located in industrial or commercial areas where such features have already been altered or removed. Finally, since affected equipment are located at existing facilities, PAR 1147 is not expected to alter or make worse any existing potential for subsidence, liquefaction, et cetera.

**VII. d) & e)** Since PAR 1147 will affect operations at primarily existing facilities, it is expected that people or property will not be exposed to new impacts relative to expansive soils or soils incapable of supporting water disposal, nor will any existing impacts be made worse. Further, PAR 1147 would not require installation of septic tanks or other alternative waste water systems. The main effect of PAR 1147 will be the delayed installation of new compliant equipment or the retrofitting of existing units with ultra-low NOx burners at the affected facilities.

Based upon these considerations, no geology and soils impacts are expected from the implementation of PAR 1147 and as such, the topic of geology and soils will not be further analyzed in the Draft EA. Since no significant geology and soils impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Significantly increased fire hazard in areas with flammable materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts associated with hazards will be considered significant if any of the following occur:

- Non-compliance with any applicable design code or regulation.
- Non-conformance to National Fire Protection Association standards.
- Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.
- Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

## Discussion

**VIII. a)** There are no provisions in PAR 1147 that would increase the amount of hazardous materials used or generated by facility owners/operators. Further, because implementation of PAR 1147 will be the delayed installation of new compliant equipment or the retrofitting of existing units with ultra-low NOx burners at the affected facilities, no raw material deliveries or waste disposal truck trips that handle hazardous materials will be associated with the proposed project after the applicable compliance dates.

As indicated in the discussion under energy, PAR 1147 applies to combustion equipment operations that are mainly fired with natural gas, though a small percentage are fired with liquid fuel; both are flammable substances. Because the ultra-low NOx burner technology is more efficient than existing burner technologies, upon installation, implementation of PAR 1147 is expected to slightly reduce the demand for fuel compared to what is currently used at existing affected facilities. As a result, implementation of PAR 1147 is not expected to noticeably change or may slightly reduce any existing flammability hazard that may be associated with operating these combustion devices. In summary, implementation of PAR 1147 is not expected to increase any existing flammability hazard associated with firing ultra-low NOx burners.

**VIII. b) & h)** Since PAR 1147 would primarily affect existing combustion equipment that is primarily located at existing facilities, existing emergency planning is anticipated to adequately minimize the risk associated installing new compliant equipment or retrofitting existing equipment with ultra-low NOx burners. Businesses are required to report increases in the storage or use of flammable and otherwise hazardous materials to local fire departments. As noted in item VIII. a), PAR 1147 is not expected to increase the amount of materials used or generated at affected facilities that would contain hazardous materials nor is it expected to significantly increase the demand of fuels (natural gas and liquid fuel) or other flammable substances.

In addition, local fire departments ensure that adequate permit conditions are in place to protect against potential risk of upset. The Uniform Fire Code and Uniform Building Code are set standards intended to minimize risks from flammable or otherwise hazardous materials. Local jurisdictions are required to adopt the uniform codes or comparable regulations. Local fire agencies require permits for the use or storage of hazardous materials and permit modifications for proposed increases in their use. Permit conditions depend on the type and quantity of the hazardous materials at the facility. Permit conditions may include, but are not limited to, specifications for sprinkler systems, electrical systems, ventilation, and containment. The fire departments make annual business inspections to ensure compliance with permit conditions and other appropriate regulations.

Further, all hazardous materials are expected to be used in compliance with established Occupational Safety and Health Administration (OSHA) or California Occupational Safety and Health Administration (CalOSHA) regulations and procedures, including providing adequate ventilation, using recommended personal protective equipment and clothing, posting appropriate signs and warnings, and providing adequate worker health and safety training. When taken together, the aforementioned regulations provide comprehensive measures to reduce hazards of explosive or otherwise hazardous materials. Compliance with these and other federal, state and

local regulations and proper operation and maintenance of equipment should ensure the potential for explosions or accidental releases of hazardous materials is not significant.

**VIII. c), e), & f)** In general, the purpose of PAR 1147 is to bring compliance relief to owners/operators of affected combustion equipment by: 1) delaying implementation of certain NOx emission limit compliance dates for existing (in-use) permitted equipment; 2) removing the requirement for the installation of gas fuel meters for equipment that currently comply with the NOx emission level in terms of ppm; and, 3) removing the requirement for time meters. While delaying implementation will delay some NOx emission reductions originally projected during the adoption of Rule 1147, eventually the overall NOx emission reductions will be achieved from a large variety of combustion equipment at existing facilities, which will ultimately improve air quality and reduce adverse human health impact related to poor air quality. Since operations of these equipment categories occur primarily at existing facilities located in industrial or commercial areas, implementation of PAR 1147 is not expected to increase existing, or create any new hazardous emissions which would adversely affect existing/proposed schools or public/private airports located in close proximity to the affected facilities. Accordingly, these impact issues will not be further evaluated in the Draft EA.

**VIII. d)** Even if some affected facilities are designated pursuant to Government Code §65962.5 as a large quantity generator of hazardous waste, it is not anticipated that complying with PAR 1147 will alter in any way how operators of affected facilities manage their hazardous wastes and that they will continue to be managed in accordance with all applicable federal, state, and local rules and regulations.

**VIII. f)** Aside from the use of natural gas and liquid fuel needed to fuel the equipment, it should again be noted that PAR 1147 has no provisions that dictate the use of, or generate any new hazardous material. Under PAR 1147, owners or operators of the affected facilities will still have the flexibility and more time to choose the type of compliant combustion equipment (i.e. to install new equipment or retrofit existing equipment with ultra-low NOx burners) for their operations. Either way, the installation of new compliant equipment or the retrofit of existing equipment will not pose a substantial safety hazard. Therefore, it is not anticipated that PAR 1147 would require changes to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

In addition, Health and Safety Code §25506 specifically requires all businesses handling hazardous materials to submit a business emergency response plan to assist local administering agencies in the emergency release or threatened release of a hazardous material. Business emergency response plans generally require the following:

- Identification of individuals who are responsible for various actions, including reporting, assisting emergency response personnel and establishing an emergency response team;
- Procedures to notify the administering agency, the appropriate local emergency rescue personnel, and the California Office of Emergency Services;
- Procedures to mitigate a release or threatened release to minimize any potential harm or damage to persons, property or the environment;

- Procedures to notify the necessary persons who can respond to an emergency within the facility;
- Details of evacuation plans and procedures;
- Descriptions of the emergency equipment available in the facility;
- Identification of local emergency medical assistance; and
- Training (initial and refresher) programs for employees in:
  1. The safe handling of hazardous materials used by the business;
  2. Methods of working with the local public emergency response agencies;
  3. The use of emergency response resources under control of the handler;
  4. Other procedures and resources that will increase public safety and prevent or mitigate a release of hazardous materials.

In general, every county or city and all facilities using a minimum amount of hazardous materials are required to formulate detailed contingency plans to eliminate, or at least minimize, the possibility and effect of fires, explosion, or spills. In conjunction with the California Office of Emergency Services, local jurisdictions have enacted ordinances that set standards for area and business emergency response plans. These requirements include immediate notification, mitigation of an actual or threatened release of a hazardous material, and evacuation of the emergency area.

**VIII. g)** Since the facilities that operate equipment subject to the requirements in PAR 1147 are located at existing industrial or commercial sites in urban areas where wildlands are not prevalent, risk of loss or injury associated with wildland fires is not expected. Accordingly, this impact issue will not be further evaluated in the Draft EA.

Based upon these considerations, no significant adverse hazards and hazardous materials impacts are expected from the implementation of PAR 1147 and as such, the topic of hazards and hazardous materials impacts will not be further analyzed in the Draft EA. Since no significant hazards and hazardous materials impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards, waste discharge requirements, exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion or siltation on- or off-site or flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Place housing or other structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Require or result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Potential impacts on water resources will be considered significant if any of the following criteria apply:

#### Water Demand:

- The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use more than 262,820 gallons per day of potable water.
- The project increases demand for total water by more than five million gallons per day.

#### Water Quality:

- The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.
- The project will cause the degradation of surface water substantially affecting current or future uses.
- The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.



- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.
- The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.
- The project results in alterations to the course or flow of floodwaters.

## Discussion

The expected options for compliance with the proposed delayed future NO<sub>x</sub> emission limits will either involve the installation of new compliant equipment or the retrofitting of existing units with ultra-low NO<sub>x</sub> burners at existing facilities. No additional water demand or wastewater generation is expected to result from the operation of the units equipped with ultra-low NO<sub>x</sub> burners at the affected facilities because this type of control technology does not entail the use of water in the NO<sub>x</sub> control process. Further, PAR 1147 has no provision that would require the construction of additional water resource facilities, increase the need for new or expanded water entitlements, or alter existing drainage patterns. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. PAR 1147 would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Further, since compliance with PAR 1147 does not involve wastewater processes, there would be no change in the composition or volume of existing wastewater streams from the affected facilities. In addition, PAR 1147 is not expected to require additional wastewater disposal capacity, violate any water quality standard or wastewater discharge requirements, or otherwise substantially degrade water quality.

**IX. a), g), & i)** Complying with PAR 1147 will not change existing operations at affected facilities, nor would it result in an increased water demand that would cause a generation of increased volumes of wastewater because the ultra-low NO<sub>x</sub> burners do not require water as part of the NO<sub>x</sub> control process. As a result, there are no potential changes in water demand or wastewater volume or composition expected from facilities complying with the requirements in PAR 1147. Further, PAR 1147 is not expected to cause affected facilities to violate any water quality standard or wastewater discharge requirements since there would be no water needed and no wastewater volumes generated as a result of implementing with PAR 1147. PAR 1147 is not expected to have any water demand or water quality impacts for the following reasons:

- The proposed project does not increase demand on the existing water supply.
- The proposed project does not increase demand for total water by more than 5,000,000 gallons per day.
- The proposed project does not increase demand for potable water by more than 262,820 gallons per day.
- The proposed project does not require construction of new water conveyance infrastructure.
- The proposed project does not create a substantial increase in mass inflow of effluents to public wastewater treatment facilities.

- The proposed project does not result in a substantial degradation of surface water or groundwater quality.
- The proposed project does not result in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.
- The proposed project does not result in alterations to the course or flow of floodwaters.

Lastly, PAR 1147 will not increase storm water discharge, since no major construction activities are expected at affected facilities. Further, no new areas at existing affected facilities are expected to be paved, so PAR 1147 will not increase storm water runoff during operation. Therefore, no new storm water discharge treatment facilities or modifications to existing facilities will be required due to the implementation of PAR 1147. Accordingly, PAR 1147 is not expected to generate any impacts relative to construction of new storm water drainage facilities.

**IX. b) & h)** Because the NO<sub>x</sub> control process of the burners in the equipment affected by PAR 1147 does not rely on water, no increase to any affected facilities' existing water demand is expected. Because ultra-low NO<sub>x</sub> burner technology does not utilize water, implementation of PAR 1147 will not increase demand for, or otherwise affect groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. In addition, implementation of PAR 1147 will not increase demand for water from existing entitlements and resources, and will not require new or expanded entitlements. Since equipment affected by PAR 1147 generally occur in existing structures at existing facilities, no paving is required that might interfere with groundwater recharge. Therefore, no water demand impacts are expected as the result of implementing PAR 1147.

**IX. c) & d)** Implementation of PAR 1147 will occur at existing facilities that are typically located in industrial or commercial areas that are paved and already have drainage infrastructures in place. Since PAR 1147 does not involve major construction activities that would include activities such as site preparation, grading, et cetera, no changes to storm water runoff, drainage patterns, groundwater characteristics, or flow are expected. Therefore, these impact areas are not expected to be affected by PAR 1147.

**IX. e) & f)** The proposed project will not require construction of new housing, contribute to the construction of new building structures, or require modifications or changes to existing structures. Further, PAR 1147 is not expected to require additional workers at affected facilities. Therefore, PAR 1147 is not expected to generate construction of any new structures in 100-year flood areas as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map. As a result, PAR 1147 is not expected to expose people or structures to any new flooding risks, or make worse any existing flooding risks. Finally, PAR 1147 will not affect any potential flood hazards inundation by seiche, tsunami, or mud flow that may already exist relative to existing facilities or create new hazards at existing facilities.

Based upon these considerations, no hydrology and water quality impacts are expected from the implementation of PAR 1147 and as such, the topic of hydrology and water quality will not be

further analyzed in the Draft EA. Since no significant hydrology and water quality impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>X. LAND USE AND PLANNING.</b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Land use and planning impacts will be considered significant if the project conflicts with the land use and zoning designations established by local jurisdictions.

### Discussion

**X. a)** Implementation of PAR 1147 is expected to involve the delayed installation of new compliant equipment or the retrofitting of existing units with ultra-low NOx burners at existing facilities. Since PAR 1147 affects equipment operating at existing facilities, it does not include any components that would require physically dividing an established community.

**X. b)** There are no provisions in PAR 1147 that would affect land use plans, policies, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements will be altered by regulating NOx emissions from affected natural gas-fired or liquid fuel fired combustion equipment. Any delay in replacing one type of combustion equipment with another similar type of combustion equipment or replacing old burners with new ultra-low NOx burners is not considered a change in operations at affected facilities that would require changes to an existing conditional use permit. Further, since PAR 1147 would delay compliance with the lower NOx emission limits for these combustion devices, PAR 1147 would not affect in any way habitat conservation or natural community conservation plans, agricultural resources or operations, and would not create divisions in any existing communities. Therefore, present or planned land uses in the region will not be significantly adversely affected as a result of PAR 1147.

Based upon these considerations, no land use and planning impacts are expected from the implementation of PAR 1147 and as such, the topic of land use and planning will not be further

analyzed in the Draft EA. Since no significant land use and planning impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XI. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Project-related impacts on mineral resources will be considered significant if any of the following conditions are met:

- The project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- The proposed project results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

### Discussion

**XI. a) & b)** There are no provisions in PAR 1147 that would result in the loss of availability of a known mineral resource of value to the region and the residents of the state, or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Based upon these aforementioned considerations, no significant mineral resources impacts are expected from the implementation of PAR 1147 and as such, the topic of mineral resources will not be further analyzed in the Draft EA. Since no significant mineral resources impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XII. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of permanent noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts on noise will be considered significant if:

- Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers.
- The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.

### Discussion

**XII. a)** Implementation of PAR 1147 is expected to involve the delayed installation of new compliant equipment or retrofitting of existing units with ultra-low NOx burners at existing facilities. PAR 1147 would only affect combustion equipment at existing facilities. Since installation of new equipment or retrofitting existing equipment does not require heavy-duty construction equipment, no significant adverse noise impacts are anticipated during the construction phase.

No other physical modifications or changes associated with the implementation of PAR 1147 are expected. Thus, PAR 1147 is not expected to expose persons to the generation of excessive noise levels above current facility levels because the proposed project will result in affected facilities operating the same type of equipment at equivalent or similar noise levels and ultra-low NOx combustion technology is not typically a noise intensive technology. It is expected that any facility affected by PAR 1147 will comply with all existing noise control laws or ordinances. Further, OSHA and CalOSHA have established noise standards to protect worker health. It is expected that all workers at affected facilities will continue complying with applicable noise standards.

**XII. b)** PAR 1147 is not anticipated to expose people to or generate excessive groundborne vibration or groundborne noise levels since no major construction activities are expected to occur at the existing facilities and the affected equipment are not inherently noisy or create excessive vibrations.

**XII. c)** A permanent increase in ambient noise levels at the affected facilities above existing levels as a result of implementing the proposed project is unlikely to occur because any new equipment that would be installed as part of implementing PAR 1147 will be replacing existing equipment with the same or similar noise profiles and retrofitting existing equipment with ultra-low NOx burners will not change the noise profile of the existing equipment. Therefore, the existing noise levels are unlikely to change and raise ambient noise levels in the vicinities of the existing facilities to above a level of significance in response to implementing PAR 1147.

**XII. d)** Implementation of PAR 1147 would not consist of improvements within the existing facilities that would require major construction activities. Even if an affected facility is located near a public/private airport, there are no new noise impacts expected from any of the existing facilities as a result of complying with the proposed project. Thus, PAR 1147 is not expected to expose people residing or working in the project vicinities to excessive noise levels. See also the response to item XII. a).

Based upon these considerations, no significant noise impacts are expected from the implementation of PAR 1147 and as such, the topic of noise is not further evaluated in the Draft EA. Since no significant noise impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING.</b>				
Would the project:				
a) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts of the proposed project on population and housing will be considered significant if the following criteria are exceeded:

- The demand for temporary or permanent housing exceeds the existing supply.
- The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

### Discussion

**XIII. a)** PAR 1147 would only affect combustion equipment at existing facilities. Implementation of PAR 1147 is expected to involve the delayed installation of new compliant equipment or retrofitting of existing units with ultra-low NOx burners at existing facilities. Under PAR 1147, the installation of new equipment or retrofitting of existing equipment will likely require the same number of construction workers as previously analyzed at the time of adoption of Rule 1147. That is, only two construction workers at most (one to deliver materials and one to install it) would be needed to either install new compliant equipment or retrofit existing units with ultra-low NOx burners. Nonetheless, it is expected that construction workers needed to implement PAR 1147 can be drawn from the existing labor pool in southern California. Further, PAR 1147 is not anticipated to generate any significant effects, either direct or indirect, on the district's population or population distribution as no additional workers for equipment operation are anticipated to be required at facilities subject to the proposed amendments. Human population within the jurisdiction of the SCAQMD is anticipated to grow regardless of implementing PAR 1147. As such, PAR 1147 will not result in changes in population densities or induce significant growth in population.

**XIII. b)** Because PAR 1147 primarily affects existing facilities located mostly in industrial and commercial areas, PAR 1147 is not expected to result in the creation of any industry that would affect population growth, directly or indirectly induce the construction of single- or multiple-family units, or require the displacement of people elsewhere.

Based upon these considerations, significant population and housing impacts are not expected from the implementation of PAR 1147 and as such, the topic of population and housing will not be further evaluated in the Draft EA. Since no significant population and housing impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XIV. PUBLIC SERVICES.</b> Would the proposal result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Significance Criteria

Impacts on public services will be considered significant if the project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives.

#### Discussion

**XIV. a) & b)** Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. No other physical modifications or changes associated with the implementation of PAR 1147 are expected. The overall amount of natural gas and liquid fuel usage at any one facility over their current levels is not expected to change substantially or increase the chances for fires or explosions that could affect local fire departments. Finally, PAR 1147 is not expected to increase the need for security at affected facilities, which could adversely affect local police departments.



**XIV. c) & d)** The local labor pool (e.g., workforce) of particular affected facility areas is expected to remain the same since PAR 1147 would not trigger any changes to current facility operations. Therefore, with no increase in local population anticipated, no significant adverse impacts are expected to local schools.

PAR 1147 will result in the delayed replacement of existing equipment with functionally identical new equipment or retrofit of existing equipment with ultra-low NOx burners at existing facilities. Besides permitting the equipment or altering permit conditions, there is no other need for government services. Further, implementation of PAR 1147 would not result in the need for new or physically altered public facilities in order to maintain acceptable service ratios, response times, or other performance objectives. There will be no increase in population and, therefore, no need for physically altered public facilities.

Based upon these considerations, no significant public services impacts are expected from implementing PAR 1147 and as such, the topic of public services will not be further evaluated in the Draft EA. Since no significant public services impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment or recreational services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Significance Criteria

Impacts to recreation will be considered significant if:

- The project results in an increased demand for neighborhood or regional parks or other recreational facilities.
- The project adversely affects existing recreational opportunities.

#### Discussion

**XV. a) & b)** As previously discussed under the topic of “Land Use and Planning,” there are no provisions in PAR 1147 that would affect land use plans, policies, or regulations. Land use and

other planning considerations are determined by local governments and no land use or planning requirements will be altered by the changes proposed in PAR 1147. Further, PAR 1147 would not increase the demand for or use of existing neighborhood and regional parks or other recreational facilities or require the construction of new or expansion of existing recreational facilities that might have an adverse physical effect on the environment because it will not directly or indirectly increase or redistribute population.

Based upon these considerations, no significant recreation impacts are expected from implementing PAR 1147 and as such, the topic of recreation will not be further evaluated in the Draft EA. Since no significant recreation impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVI. SOLID/HAZARDOUS WASTE.</b>				
Would the project:				
a) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Comply with federal, state, and local statutes and regulations related to solid and hazardous waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

The proposed project impacts on solid/hazardous waste will be considered significant if the following occurs:

- The generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

### Discussion

**XVI. a) & b)** Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. No other physical modifications or changes associated with the implementation of PAR 1147 are expected. Because affected equipment has a finite lifetime, it will ultimately have to be replaced at the end of its useful life. However, the delayed compliance dates for some equipment mean that PAR 1147 may delay replacement. However, affected equipment may also be refurbished and used elsewhere. In addition, any scrap metal from replaced units has economic value and is expected to be recycled, so any solid or hazardous waste impacts specifically associated with PAR 1147 are expected to be minor. As a result, no substantial change in the amount or character of solid or hazardous waste streams is expected to occur. For these reasons, PAR 1147 is not expected to increase the volume of solid or hazardous wastes from affected facilities,

require additional waste disposal capacity, or generate waste that does not meet applicable local, state, or federal regulations.

Based upon these considerations, PAR 1147 is not expected to increase the volume of solid or hazardous wastes that cannot be handled by existing municipal or hazardous waste disposal facilities, or require additional waste disposal capacity. Further, implementing PAR 1147 is not expected to interfere with any affected facility's ability to comply with applicable local, state, or federal waste disposal regulations.

Thus, no significant solid/hazardous waste impacts are expected from implementing PAR 1147 and as such, the topic of solid/hazardous waste will not be further evaluated in the Draft EA. Since no significant solid/hazardous waste impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVII. TRANSPORTATION/TRAFFIC.</b>				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts on transportation/traffic will be considered significant if any of the following criteria apply:

- Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E or F for more than one month.
- An intersection's volume to capacity ratio increase by 0.02 (two percent) or more when the LOS is already D, E or F.
- A major roadway is closed to all through traffic, and no alternate route is available.
- The project conflicts with applicable policies, plans or programs establishing measures of effectiveness, thereby decreasing the performance or safety of any mode of transportation.
- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.
- The demand for parking facilities is substantially increased.
- Water borne, rail car or air traffic is substantially altered.
- Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased.
- The need for more than 350 employees
- An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day
- Increase customer traffic by more than 700 visits per day.

### Discussion

**XVII. a) & b)** PAR 1147 affects a large variety of combustion equipment operating primarily at existing facilities and has no potential to adversely affect transportation. Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. As discussed in the Population and Housing section, the physical modifications or changes associated with the implementation of PAR 1147 would only require two construction workers at most to deliver materials and to

install or retrofit equipment. PAR 1147 would have no effect on existing operations at the affected facilities that would change or cause additional transportation demands or services. Therefore, since only two additional construction-related trips per facility and no operational-related trips per facility are anticipated, the implementation of PAR 1147 is not expected to significantly adversely affect circulation patterns on local roadways or the level of service at intersections near affected facilities. Finally, affected facilities are dispersed throughout the District, so it is not expected that construction-related trips to affected facilities would overlap to an appreciable extent.

**XVII. c)** Compliance with PAR 1147 means the delayed installation of new compliant units or retrofitting existing units with ultra-low NOx burner technology and the reduced installation of time meters and fuel meters that would have otherwise been installed under Rule 1147. Thus, PAR 1147 will not require operators of existing facilities to construct buildings or other structures that could interfere with flight patterns so the height and appearance of the existing structures are not expected to change. Therefore, implementation of PAR 1147 is not expected to adversely affect air traffic patterns. Further, PAR 1147 will not affect in any way air traffic in the region because it will not require transport of any materials by air.

**XVII. d)** As the physical modifications that are expected to occur by implementing PAR 1147 are limited to the confines of existing facilities, no offsite modifications to roadways are anticipated for the proposed project that would result in an additional design hazard or incompatible uses.

**XVII. e)** Any equipment replacements or retrofits associated with implementing PAR 1147 will likely occur in or about the same location within the confines of each existing facility such that no changes to emergency access at or in the vicinity of the affected facilities would be expected. As a result, PAR 1147 is not expected to adversely impact emergency access.

**XVII. f)** Other than the equipment replacements or retrofits associated with implementing PAR 1147, no facility modifications or changes are expected that would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Based upon these considerations, no significant adverse transportation/traffic impacts are expected from implementing PAR 1147 and as such, the topic of transportation/traffic will not be further evaluated in the Draft EA. Since no significant transportation/traffic impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

**XVIII. a)** As discussed in the "Biological Resources" section, PAR 1147 is not expected to significantly adversely affect plant or animal species or the habitat on which they rely because the affected equipment is located at primarily existing facilities in industrial or commercial areas which have already been greatly disturbed and that currently do not support such habitats. Additionally, special status plants, animals, or natural communities are not expected to be found within close proximity to the facilities affected by PAR 1147.

**XVIII. b) & c)** As discussed in items I through XVIII above, the proposed project is not expected to create significant adverse impacts to any environmental area except for criteria air pollutants under the the topic of air quality and GHGs. Potentially significant adverse criteria air

pollutant impacts under the tops of air quality and GHG emissions will be analyzed in the Draft EA.

## **APPENDIX A**

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### **PROPOSED AMENDED RULE 1147**



**PAR1147. NO<sub>x</sub> REDUCTIONS FROM MISCELLANEOUS SOURCES**

(a) Purpose and Applicability

The purpose of this rule is to reduce nitrogen oxide emissions from gaseous and liquid fuel fired combustion equipment as defined in this rule. This rule applies to ovens, dryers, dehydrators, heaters, kilns, calciners, furnaces, crematories, incinerators, heated pots, cookers, roasters, fryers, closed and open heated tanks and evaporators, distillation units, afterburners, degassing units, vapor incinerators, catalytic or thermal oxidizers, soil and water remediation units and other combustion equipment with nitrogen oxide emissions that require a District permit and are not specifically required to comply with a nitrogen oxide emission limit by other District Regulation XI rules. This rule does not apply to solid fuel-fired combustion equipment, internal combustion engines subject to District Rule 1110.2, turbines, charbroilers, or boilers, water heaters, thermal fluid heaters and enclosed process heaters subject to District Rules 1109, 1146, 1146.1, or 1146.2 and equipment subject to District Rules 1111, 1112, 1117, 1118, 1121, or 1135.

(b) Definitions

- (1) ANNUAL CAPACITY FACTOR means the ratio of the ANNUAL HEAT INPUT of a unit in a calendar year to the amount of fuel it could have burned if it had operated at the rated heat input capacity for 100 percent of the time during the calendar year.
- (2) ANNUAL HEAT INPUT means the actual amount of heat released by fuels burned in a unit during a calendar year, based on the fuel's higher heating value.
- (3) BTU means British thermal unit or units.
- (4) COMBUSTION MODIFICATION means replacement of a burner(s).
- (5) FOOD OVEN means an oven used to heat or cook food used for human consumption.
- (6) HEATER means any combustion equipment that is fired with gaseous and/or liquid fuels and which transfers heat from combusted fuel to materials or air contained in the unit or in an adjoining cabinet, container or structure. Heater does not include any boiler or PROCESS HEATER designed to transfer heat to water or process streams that is subject to any

NOx emission limits of District Rules 1109, 1146, 1146.1 or 1146.2, and does not include any internal combustion engine or turbine.

- (7) HEAT INPUT means the higher heating value of the fuel to the unit measured as BTU per hour.
- (8) HEAT OUTPUT means the enthalpy of the working fluid output of the unit.
- (9) MAKE-UP AIR HEATER means a UNIT used to heat incoming air in order to maintain the temperature of a spray booth, container, room or other enclosed space where a person is working. A MAKE-UP AIR HEATER is not a burner used to heat an oven, dryer, heater or other unit where workers are not present during heating.
- (10) NOx EMISSIONS means the sum of nitrogen oxide and nitrogen dioxide in the flue gas, collectively expressed as nitrogen dioxide.
- (11) PROCESS HEATER means any equipment that is fired with gaseous and/or liquid fuels and which transfers heat from combusted fuel to water or process streams. PROCESS HEATER does not include any furnace, kiln or oven used for melting, heat treating, annealing, drying, curing, baking, cooking, calcining, or vitrifying; or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion equipment.
- (12) PROTOCOL means a South Coast Air Quality Management District approved test protocol for determining compliance with emission limits for applicable equipment.
- (13) RATED HEAT INPUT CAPACITY means the gross HEAT INPUT of the combustion UNIT specified on a permanent rating plate attached by the manufacturer to the device. If the UNIT has been altered or modified such that its gross HEAT INPUT is higher or lower than the rated HEAT INPUT capacity specified on the original manufacturer's permanent rating plate, the new gross HEAT INPUT shall be considered as the rated HEAT INPUT capacity.
- (14) REMEDIATION UNIT means a device used to capture or incinerate air toxics, VOCs or other combustible vapors extracted from soil or water.
- (15) RESPONSIBLE OFFICIAL means:
  - (A) For a corporation: a president or vice-president of the corporation in charge of a principal business function or a duly authorized

person who performs similar policy-making functions for the corporation; or

(B) For a partnership or sole proprietorship: general partner or proprietor, respectively.

(C) For a government agency: a duly authorized person

(16) TENTER FRAME DRYER is a cloth dryer that holds the edges of the material as it is dried in order to control shrinkage.

(17) THERM means 100,000 BTU.

(18) UNIT means any oven, dryer, dehydrator, heater, kiln, calciner, furnace, crematory, incinerator, heated pot, cooker, roaster, fryer, heated tank and evaporator, distillation unit, afterburner, degassing unit, vapor incinerator, catalytic or thermal oxidizer, soil or water remediation units and other combustion equipment with nitrogen oxide emissions requiring a District permit and not specifically required to comply with a NOx emission limit by other District Regulation XI rules. UNIT does not mean any solid fuel fired combustion equipment, internal combustion engine subject to District Rule 1110.2, turbine, charbroiler, or boiler, water heater, thermal fluid heaters or enclosed process heater subject to District Rules 1109, 1146, 1146.1, or 1146.2 or equipment subject to District Rules 1111, 1112, 1117, 1118, 1121, or 1135.

(19) VAPOR INCINERATOR means a furnace, afterburner, or other device for burning and destroying air toxics, VOCs or other combustible vapors in gas or aerosol form in gas streams.

(c) Requirements

(1) On or after January 1, 2010 any person owning or operating a unit subject to this rule shall not operate the unit in a manner that exceeds the applicable nitrogen oxide emission limit specified in Table 1 at the time a District permit is required for operation of a new, relocated or modified unit or, for in-use units, in accordance with the compliance schedule in Table 2, or at the time of a combustion modification.

**Table 1 – NO<sub>x</sub> Emission Limit**

<b>Equipment Category(ies)</b>	<b>NO<sub>x</sub> Emission Limit</b> PPM @ 3% O <sub>2</sub> , dry or Pound/mmBtu heat input		
	<b>Process Temperature</b>		
<b>Gaseous Fuel-Fired Equipment</b>	≤ 800° F	> 800 ° F and < 1200° F	≥ 1200 ° F
Asphalt Manufacturing Operation	40 ppm	40 ppm	
Afterburner, Degassing Unit, Remediation Unit, Thermal Oxidizer, Catalytic Oxidizer or Vapor Incinerator <sup>1</sup>	30 ppm or 0.036 lb/mmBtu	60 ppm or 0.073 lb/mmBtu	60 ppm or 0.073 lb/mmBtu
Evaporator, Fryer, Heated Process Tank, or Parts Washer	60 ppm or 0.073 lb/mmBtu	60 ppm or 0.073 lb/mmBtu	
Metal Heat Treating, Metal Melting Furnace, Metal Pot, or Tar Pot	60 ppm or 0.073 lb/mmBtu	60 ppm or 0.073 lb/mmBtu	60 ppm or 0.073 lb/mmBtu
Oven, Dehydrator, Dryer, Heater, Kiln, Crematory, Incinerator, Calciner, Cooker, Roaster, Furnace, or Heated Storage Tank	30 ppm or 0.036 lb/mmBtu	30 ppm or 0.036 lb/mmBtu	60 ppm or 0.073 lb/mmBtu
Make-Up Air Heater or other Air Heater located outside of building with temperature controlled zone inside building	30 ppm or 0.036 lb/mmBtu		
Tenter Frame or Fabric or Carpet Dryer	30 ppm or 0.036 lb/mmBtu		
Other Unit or Process Temperature	30 ppm or 0.036 lb/mmBtu	30 ppm or 0.036 lb/mmBtu	60 ppm or 0.073 lb/mmBtu
<b>Liquid Fuel-Fired Equipment</b>	≤ 800° F	> 800 ° F and < 1200° F	≥ 1200 ° F
All liquid fuel-fired Units	40 ppm or 0.053 lb/mmBtu	40 ppm or 0.053 lb/mmBtu	60 ppm or 0.080 lb/mmBtu

1. Emission limit applies to burners in units fueled by 100% natural gas that are used to incinerate air toxics, VOCs, or other vapors; or to heat a unit. The emission limit applies solely when burning 100% fuel and not when the burner is incinerating air toxics, VOCs, or other vapors. The unit shall be tested or certified to meet the emission limit while fueled with natural gas.

**Table 2 – Compliance Schedule for In-Use Units**

<b>Equipment Category(ies)</b>	<b>Compliance Date</b>
Remediation UNIT Upon combustion modification or change of location for units manufactured prior to 1998	Beginning January 1, 201 <del>2</del> <sup>4</sup>
Tar Pot Permit Application for Change of Ownership or New Equipment	Beginning January 1, 201 <del>3</del> <sup>2</sup>
Afterburner, degassing unit, catalytic oxidizer, thermal oxidizer, vapor incinerator, evaporator, food oven, fryer, heated process tank, parts washer or spray booth make-up air heater manufactured prior to 1998	July 1, 2013
Other UNIT manufactured prior to 1986	July 1, 201 <del>2</del> <sup>0</sup>
Other UNIT manufactured prior to 1992	July 1, 201 <del>2</del> <sup>4</sup>
Other UNIT manufactured prior to 1998	July 1, 201 <del>3</del> <sup>2</sup>
Any UNIT manufactured after 1997	July 1 of the year the unit is 15 years old

- (2) Unit age shall be based on the original date of manufacture and determined by:
  - (A) Original manufacturer's identification or rating plate permanently fixed to the equipment. If not available, then;
  - (B) Invoice from manufacturer for purchase of equipment. If not available, then;
  - (C) Information submitted to AQMD with prior permit applications for the specific unit. If not available, then;
  - (D) Unit is deemed by AQMD to be 20 years old.
- (3) Owners or operators of units operating with flue gas oxygen concentrations greater than 18% shall use a District approved test protocol to determine compliance with the emission limit specified in Table 1. The test protocol shall be submitted to the District at least 90 days prior to the scheduled test and approved by the District Source Testing Division.
- (4) Notwithstanding the requirements of paragraph (c)(1), units with combustion modifications completed prior to December 5, 2008 and after January 1, 2000 that resulted in replacement of more than 75% of the rated heat input capacity shall comply with the applicable emission limit specified in Table 1 of paragraph (c)(1) ten years from the date the modification was performed.

- (5) The date a combustion modification, as specified in paragraphs (c)(1) and (c)(4), is performed; shall be determined according to subparagraph (c)(2)(B), if not available, then subparagraph (c)(2)(C).
- (6) Notwithstanding the requirements of paragraph (c)(1), a unit with a District permit to construct or permit to operate, and with a permit emission limit of one pound per day or less of nitrogen oxides on July 1, 2009, shall comply with the applicable emission limit specified in Table 1 of paragraph (c)(1) five years later than the applicable compliance date in Table 2 of (c)(1).
- (7) On or after January 1, 2010, any person owning or operating a unit subject to this rule shall perform combustion system maintenance in accordance with the manufacturer's schedule and specifications as identified in the manual and other written materials supplied by the manufacturer or distributor. The owner or operator shall maintain on site at the facility where the unit is being operated a copy of the manufacturer's and/or distributor's written instructions and retain a record of the maintenance activity for a period of not less than three years. The owner or operator shall maintain on site at the facility where the unit is being operated a copy of the District certification or District approved source test reports, conducted by an independent third party, demonstrating the specific unit complies with the emission limit. The source test report(s) must identify that the source test was conducted pursuant to a District approved protocol. The model and serial numbers of the specified unit shall clearly be indicated on the source test report(s). The owner or operator shall maintain on the unit in an accessible location a permanent rating plate. The maintenance instructions, maintenance records and the source test report(s) or District certification shall be made available to the Executive Officer upon request.
- (8) ~~On or after January 1, 2011, a~~Any person owning or operating a unit subject to this rule electing to comply with an emission limit in Table 1 expressed in pounds per million BTU or required to comply with an emission limit expressed in pounds per million BTU pursuant to paragraph (c)(3), shall install and maintain in service non-resettable, totalizing, fuel and time meters for each unit's fuel(s) at the time a District permit is required for operation of a new, relocated or modified unit or, for in-use units, in accordance with the compliance schedule in Table 2. Owners or

operators of a unit with a combustion system that operates at only one firing rate that comply with an emission limit expressed in pounds per million BTU shall install a non-resettable, totalizing, time or fuel meter for each fuel.

- (9) Meters specified in paragraph (c)(8) that require electric power to operate shall be provided a permanent supply of electric power that cannot be unplugged, switched off, or reset except by the main power supply circuit for the building and associated equipment or the unit's safety shut-off switch. Any person operating a unit subject to this rule shall not shut off electric power to a unit meter unless the unit is not operating and is shut down for maintenance or safety.
- (10) On or before the compliance date, the owner or operator of a unit shall demonstrate compliance with the applicable emission limit in Table 1 pursuant to the provisions of subdivisions (d) or (e).
- (11) Compliance by Certification

For units that do not allow adjustment of the fuel and combustion air for the combustion system by the owner or operator, and upon approval by the Executive Officer, an owner or operator may demonstrate compliance with the emission limit and demonstration requirement of this subdivision by certification granted to the manufacturer for any model of equipment sold for use in the District. Any unit certified pursuant to subdivision (e) shall be deemed in compliance with the emission limit in Table 1 and demonstration requirement of this subdivision, unless a District source test shows non-compliance.

- (12) Identification of Units

- (A) New Manufactured Units

The manufacturer shall display the model number and the rated heat input capacity of the unit complying with subdivision (c) on the shipping container and permanent rating plate. The manufacturer shall also display the District certification status on the shipping container and on the unit when applicable.

- (B) Modified Units

The owner or operator of a unit with a modified combustion system (new or modified burners) shall display the new rated heat input capacity on a new permanent supplemental rating plate installed in an accessible location. The gross heat input shall be

based on the maximum fuel input corrected for fuel heat content, temperature and pressure. Gross heat input shall be demonstrated by a calculation based on fuel consumption recorded by an in-line fuel meter.

- (13) The owner or operator shall maintain on site a copy of all documents identifying the unit's rated heat input capacity for as long as the unit is retained on-site. The rated heat input capacity shall be identified by a manufacturer's or distributor's manual or invoice and a permanent rating plate attached to the unit. If a unit is modified, the rated heat input capacity shall be calculated pursuant to subparagraph (c)(12)(B). The documentation of rated heat input capacity for modified units shall include the name of the company and person modifying the unit, a description of all modifications, the dates the unit was modified and calculation of rated heat input capacity. The documentation for modified units shall be signed by the highest ranking person modifying the unit.
- (14) **Alternate Compliance Plan**  
Owners or operators of facilities with five or more in-use units with permit emission limits greater than one pound per day NOx that will require burner modifications may submit an alternate compliance plan by July 1, 2009 to phase-in compliance of all units starting January 1, 2010 and ending before January 1, 2015. At least one unit shall be modified to comply with the applicable emission limit of this rule by January 1, 2010. Each year thereafter, up to a maximum of four years, a minimum of 20 percent of additional units shall comply with the applicable emission limit. All units must comply with the applicable emission limit of this rule by January 1, 2015.
- (d) **Compliance Determination**  
(1) All emission determinations shall be calculated:  
(A) Using a District approved test protocol averaged over a period of at least 15 and no more than 60 consecutive minutes;  
(B) At least 15 minutes after unit start up; and  
(C) In the unit's as-found operating condition.  
Each time an emission determination is required by this rule, an additional emission determination shall be made using a heat input of less than 25% of the rated heat input capacity for any Afterburner, Degassing Unit,



Remediation Unit, Thermal Oxidizer, Catalytic Oxidizer, Vapor Incinerator, Make-Up Air Heater, other Air Heater located outside of process building, Oven, Dehydrator, Dryer, Tenter-Frame Dryer, Fabric Dryer, Carpet Dryer, Heater, Kiln, Crematory, Incinerator, Calciner, Cooker, Roaster, non-metallurgical Furnace, or Heated Storage Tank that operates with variable heat input that falls below 50% rated heat input capacity during normal operation.

For emission determinations after the initial approved test, the operator is not required to resubmit a protocol for approval if: there is a previously approved protocol and the unit has not been altered in a manner that requires a permit alteration; and rule or permit emission limits have not changed since the previous test.

- (2) All parts per million emission limits specified in subdivision (c) are referenced at 3 percent volume stack gas oxygen on a dry basis.
- (3) Compliance with the NO<sub>x</sub> emission limits of subdivision (c) and determination of stack-gas oxygen and carbon dioxide concentrations for this rule shall be determined according to the following procedures:
  - (A) District Source Test Method 100.1 – Instrumental Analyzer Procedures for Continuous Gaseous Emission Sampling (March 1989); or
  - (B) District Source Test Method 7.1 – Determination of Nitrogen Oxide Emissions from Stationary Sources (March 1989); or
  - (C) ASTM Method D6522-00 – Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers; or
  - (D) United States Environmental Protection Agency Conditional Test Method CTM-030 – Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Emissions from Natural Gas-Fired Engines, Boilers and Process Heaters Using Portable Analyzers; and
  - (E) District Source Test Method 10.1 – Carbon Monoxide and Carbon Dioxide by Gas Chromatograph/Non-Dispersive Infrared Detector (GC/NDIR) – Oxygen by Gas Chromatograph-Thermal Conductivity (GC/TCD) (March 1989); or

- (F) Any alternative test method determined approved before the test in writing by the Executive Officers of the District, the California Air Resources Board and the United States Environmental Protection Agency.
  - (4) For any operator who chooses the pound per million Btu of heat input compliance option of subdivision (c), NO<sub>x</sub> emissions in pounds per million Btu of heat input shall be calculated using procedures in 40 CFR Part 60, Appendix A, Method 19, Sections 2 and 3.
  - (5) Records of source tests shall be maintained for ten years and made available to District personnel upon request. Emissions determined to exceed any limits established by this rule through the use of any of the test methods specified in subparagraphs (d)(3)(A) through (d)(3)(F) shall constitute a violation of this rule.
  - (6) All emission determinations shall be made using an independent contractor to conduct the source testing that is approved by the Executive Officer under the Laboratory Approval Program for the necessary test methods.
- (e) Certification
- (1) Unit Certification

For units that do not allow adjustment of the fuel and combustion air for the combustion system by the owner or operator, any manufacturer or distributor that distributes for sale or sells units or burner systems for use in the District may elect to apply to the Executive Officer to certify such units or burner systems as compliant with subdivision (c).
  - (2) Manufacturer Confirmation of Emissions

Any manufacturer's application to the Executive Officer to certify a model of equipment as compliant with the emission limit and demonstration requirement of subdivision (c) shall obtain confirmation from an independent contractor that is approved by the Executive Officer under the Laboratory Approval Program for the necessary test methods prior to applying for certification that each unit model complies with the applicable requirements of subdivision (c). This confirmation shall be based upon District approved emission tests of standard model units and a District approved protocol shall be adhered to during the confirmation testing of all units subject to this rule. Emission testing shall comply with

the requirements of paragraphs (d)(1) through (d)(5) except emission determinations shall be made at 100% rated heat input capacity and an additional emission determination shall be made using a heat input of less than 25% of the rated heat input capacity for any Afterburner, Degassing Unit, Remediation Unit, Thermal Oxidizer, Catalytic Oxidizer, Vapor Incinerator, Make-Up Air Heater, other Air Heater located outside of process building, Oven, Dehydrator, Dryer, Tenter-Frame Dryer, Fabric Dryer, Carpet Dryer, Heater, Kiln, Crematory, Incinerator, Calciner, Cooker, Roaster, non-metallurgical Furnace, or Heated Storage Tank.

- (3) When applying for unit(s) certification, the manufacturer shall submit to the Executive Officer the following:
  - (A) A statement that the model is in compliance with subdivision (c). The statement shall be signed and dated by the manufacturer's responsible official and shall attest to the accuracy of all statements;
  - (B) General Information
    - (i) Name and address of manufacturer,
    - (ii) Brand name, if applicable,
    - (iii) Model number, as it appears on the unit rating plate; and
    - (iv) Rated Heat Input Capacity, gross output of burner(s) and number of burners;
  - (C) A description of each model being certified; and
  - (D) A source test report verifying compliance with the applicable emission limit in subdivision (c) for each model to be certified. The source test report shall be prepared by the confirming independent contractor and shall contain all of the elements identified in the District approved Protocol for each unit tested. The source test shall have been conducted no more than ninety (90) days prior to the date of submittal to the Executive Officer.
- (4) When applying for unit certification, the manufacturer shall submit the information identified in paragraph (e)(3) no more than ninety (90) days after the date of the source test identified in subparagraph (e)(3)(D) and at least 120 days prior to the date of the proposed sale and installation of any District certified unit.
- (5) The Executive Officer shall certify a unit model which complies with the provisions of subdivision (c) and of paragraphs (e)(2), (e)(3), and (e)(4).

- (6) Certification status shall be valid for four years from the date of approval by the Executive Officer. After the fourth year, recertification shall be required by the Executive Officer according to the requirements of paragraphs (e)(2), (e)(3), and (e)(4).
- (f) Enforcement
  - (1) The Executive Officer may inspect certification records and unit installation, operation, maintenance, repair, combustion modification and test records of owners, operators, manufacturers, distributors, retailers, and installers of units located in the District, and conduct such tests as are deemed necessary to ensure compliance with this rule. Tests shall include emission determinations, as specified in paragraph (d)(1) to (d)(4), of a random sample of any category of units subject to this rule.
  - (2) An emission determination specified under paragraph (f)(1) that finds emissions in excess of those allowed by this rule or permit conditions shall constitute a violation of this rule.
- (g) Exemptions
  - (1) The provisions of this rule shall not apply to units:
    - (A) subject to the nitrogen oxide limits of District Rules 1109, 1110.2, 1111, 1112, 1117, 1121, 1134, 1135, 1146, 1146.1, or 1146.2; or
    - (B) located at RECLAIM facilities.
  - (2) The provisions of this rule shall not apply to charbroilers.
  - (3) The provisions of this rule shall not apply to:
    - (A) Flares subject to District Rule 1118;
    - (B) Flares, afterburners, degassing units, thermal or catalytic oxidizers or vapor incinerators in which a fuel, including but not limited to natural gas, propane, butane or liquefied petroleum gas, is used only to maintain a pilot for vapor ignition or is used for five minutes or less to bring a unit up to operating temperature;
    - (C) Municipal solid waste incinerators with a District permit operating before December 5, 2008;
    - (D) An afterburner or vapor incinerator with a District permit operating before December 5, 2008 that has an integrated heat exchanger that captures heat from an oven or furnace exhaust in order to reduce fuel consumption by the afterburner or vapor incinerator; or

- (E) A flare, afterburner, degassing unit, remediation unit, thermal oxidizer, catalytic oxidizer or vapor incinerator process in which a fuel, including but not limited to natural gas, propane, butane or liquefied petroleum gas, is mixed with air toxics, VOCs, landfill gas, digester gas or other combustible vapors prior to incineration in the unit, in order to maintain vapor concentration above the upper explosion limit or above a manufacturer specified limit in order to maintain combustion or temperature in the unit. This exemption does not apply to a burner with a separate fuel line used to heat up or maintain temperature of a unit or incinerate air toxics, VOCs or other combustible vapors in a gas stream moving past the burner flame.
- (4) New afterburners, degassing units, thermal oxidizers, catalytic oxidizers, vapor incinerators, and spray booth make-up air heaters installed for use at a specific facility after December 5, 2008 and before January 1, 2011, are exempt from the emission limit in Table 1 until July 1 of the year the unit is 15 years old.
- (5) New or relocated remediation units installed after December 5, 2008 and before January 1, 2011, are exempt from the emission limit in Table 1 until a combustion modification or change of location on or after January 1, 2011.
- (6) New food ovens, fryers, heated process tanks, parts washers, and evaporators installed after December 5, 2008 and operating before January 1, 2013, are exempt from the emission limit in Table 1 until July 1 of the year the unit is 15 years old.
- (7) Remediation units are exempt from the applicable emission limit in Table 1 while fueled with propane, butane or liquefied petroleum gas in a location where natural gas is not available. Remediation units must comply with the emission limit when natural gas is available and while fueled with natural gas.